IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1550 OF 2006

Union of India ... Petitioner

V/s.

Shri Arvind Mohan Sahay & Ors. ... Respondents

Mr. V.S. Masurkar with Ms. Anamica Malhotra i/b. Dr. T.C. Kaushik for the petitioner.
Mr. C.U. Singh, Sr. Counsel with Mr. S.U. Marne for the respondent No. 1.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 8th December, 2006

P.C.

. The Union of India is aggrieved by order dated 27th October, 2005 passed in O.A. No. 232 of 2005 whereby the O.A. by respondent No.1 against the petitioner for initiating departmental enquiry for minor misconduct has been quashed. The case of the petitioner is that for the first time they came to know about the involvement of the respondent pursuant to CBI report, which they received in the year 2003. Considering that, it is submitted that it cannot be said that the enquiry is stayed.

2. We have heard the learned counsel for the parties and also perused the impugned order. Perusal of para 19 of the order would clearly indicates that the matter was being enquired into right from the year

1995. In other words, it is not a case where the department was not aware of the allegations against the respondent herein. The matter went up to the highest level of Central Vigilence Commission, who by its advice dated 28.02.2002 did not recommend initiation of disciplinery proceeding against the applicant.

. The Tribunal has recorded a finding of fact and these facts were not disputed by the petitioner herein. Considering the said finding of fact, in our opinion, it cannot be said that the order of the Tribunal suffers from any error of law apparent on the face of record.

3. For the aforesaid reasons, we find no cause of interference. The petition stands disposed of.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]